



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

| APPLICATION NO.              | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------|-------------|----------------------|---------------------|------------------|
| 10/727,134                   | 12/02/2003  | Arthur H. Ozaki      | 40000-0046          | 4744             |
| 20480                        | 7590        | 11/28/2007           | EXAMINER            |                  |
| STEVEN L. NICHOLS            |             |                      | ZHONG, JUN FEI      |                  |
| RADER, FISHMAN & GRAVER PLLC |             |                      | ART UNIT            | PAPER NUMBER     |
| 10653 S. RIVER FRONT PARKWAY |             |                      |                     |                  |
| SUITE 150                    |             |                      | 2623                |                  |
| SOUTH JORDAN, UT 84095       |             |                      |                     |                  |
| MAIL DATE                    |             | DELIVERY MODE        |                     |                  |
| 11/28/2007                   |             | PAPER                |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/727,134             | OZAKI ET AL.        |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Jun Fei Zhong          | 2623                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-64 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/2/2003, 1/25/2007.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 12/2/2003 and 1/25/2007. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 7, 28, 38, and 54 recite limitations "automatically saves said setting upon said shutdown" which does not disclose in the specification. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 13, 15-17, 19, 32, 44, 46-48, and 60 are rejected under 35 U.S.C. 102(b) as being anticipated by Humpleman et al. (Patent # US 6288716).

As to claim 1, Humpleman discloses a system for saving settings of an audiovisual system, comprising:

a first audiovisual device (e.g., DVCR 110; Fig. 1) comprising a setting (e.g., controllable functions of DVCR 110) (see col. 6, lines 54-60; col. 8, lines 29-42; col. 10, lines 29-31; Fig. 13);

a second audiovisual device (e.g., DTV 102) communicatively coupled to said first audiovisual device (e.g., DVCR 110) (e.g., DTV 102 communicating with DVCR 110 through 1394 serial bus 114; Fig. 1);

wherein said second audiovisual device is configured to save said setting of said first audiovisual device upon a save event (e.g., saving a Macro to perform all the steps for recording a program) (see col. 14, lines 42-62; col. 21, lines 16-49; Fig. 9).

As to claim 32, Humpleman discloses a method for retaining settings of an audiovisual system, comprising:

obtaining a setting from a first audiovisual device (e.g., controllable functions of DVCR 110; Fig. 1), wherein said first audiovisual device (e.g., DVCR 110) is communicatively coupled to a second audiovisual device (e.g., DTV 102) (see col. 6, line 61 through col. 7, line 20; col. 14, lines 42-62);

storing said setting to said second audiovisual device upon a save event (e.g., saving a Macro to perform all the steps for recording a program) (see col. 14, lines 42-62; col. 21, lines 16-49; Fig. 9).

As to claims 48 and 60, they contain the limitations of claim 32 and are analyzed as previously discussed with respect to claim 32 above.

As to claim 13, Humpleman discloses the system of claim 1, wherein said second audiovisual device is a television set (e.g., DTV 102; Fig. 1) (see col. 6, lines 54-60).

As to claim 15, Humpleman discloses the system of claim 1, wherein said first audiovisual device is one of a digital video recorder and a digital video player (e.g., DVCR 110; Fig. 1) (see col. 6, lines 54-60).

As to claim 16, Humpleman discloses the system of claim 1, wherein said first audiovisual device and said second audiovisual device are communicatively coupled by an IEEE 1394 pathway (e.g., 1394 serial bus 114) (see col. 6, lines 42-47).

As to claim 17, Humpleman discloses the system of claim 1, wherein said setting includes a selected input channel associated with said first audiovisual device (e.g., DVCR select input source to record programs) (see col. 21, lines 42-46).

As to claims 19 and 44, they contain the limitations of claim 13 and are analyzed as previously discussed with respect to claim 13 above.

As to claims 46 and 47, they contain the limitations of claims 15-16 and are analyzed as previously discussed with respect to claims 15-16 above.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2-5, 8-11, 14, 18, 20-26, 30-31, 33-36, 39-42, 45, 49-52, 55-58, and 61-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (Patent # US 6288716) in view of Kamieniecki (Pub # US 2003/0066080).

As to claim 18, Humpleman discloses an audiovisual host device, comprising:  
an interface for communicatively coupling to an audiovisual device (e.g., devices in Fig. 1 communicating with other devices through communication layers 152-164; Fig. 2), wherein said audiovisual device includes a setting (e.g., controllable functions) (see col. 6, lines 54-60; col. 8, lines 29-42; col. 10, lines 29-31; Fig. 13);  
a computer-readable medium (e.g., memory) (see col. 21, lines 30-35);  
receive said setting from said interface upon a save event (e.g., saving a Macro to perform all the steps for recording a program) (see col. 14, lines 42-62; col. 21, lines 16-49; Fig. 9);

store said setting to said computer-readable medium upon said save event (e.g., save Macro in memory);

Humbleman does not specifically disclose the host device comprising a processor.

Kamieniecki discloses a processor (e.g., controller 220) communicatively coupled to said interface (e.g., communicating with network 130; Fig. 1 and 2) and said computer-readable medium (e.g., memory 245) (see paragraph 0034, 0041);

wherein said processor is configured to:

recall said setting from said computer-readable medium upon a restore event (e.g., retrieved setting from memory; Fig. 4, step 492) (see paragraph 0058);

communicate said recalled setting to said interface upon said restore event, wherein said recalled setting is configured to be restored to said audiovisual device (e.g., user select restoration option; Fig. 4, steps 490-498) (see paragraph 0058).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to a processor as taught by Kamieniecki to the home network control system of Humbleman in order to have a single arrangement that can set-up a variety of electronic devices from different manufacturers without having to know how to program the device (see paragraph 0015).

As to claim 64, Humbleman discloses a system comprising:

a network of interconnected audiovisual devices (e.g., devices in Fig. 1) including a host device (e.g., DTV 102; Fig.1) and a plurality of audiovisual devices (e.g., DVCR 110, DVD 108), wherein said plurality of audiovisual devices includes a plurality of settings (see col. 6, lines 54-60; col. 8, lines 29-42; col. 10, lines 29-31; Fig. 11 and 13);

a connection medium (e.g., 1394 serial bus 114) configured to carry a communication associated with said plurality of settings between said plurality of audiovisual devices and said host device (e.g., transmitting control object from controlled device to control device) (see col. 5, lines 24-29; col. 8, lines 29-42);

Humbleman does not specifically disclose recalling settings of audiovisual devices, a remote control.

Kamieniecki discloses recalling settings of audiovisual devices e.g., user select restoration option; Fig. 4, steps 490-498) (see paragraph 0058);

a remote control device (e.g., remote control 110; Fig. 1) configured to communicate a save event (e.g., using memory 245 for storing setting) and a restore event to said host device (e.g., retrieved setting from memory upon restoration command; Fig. 4, steps 490-492) (see paragraph 0041, 0058);

wherein said host device is configured to save said plurality of settings upon said save event and to restore said plurality of settings upon said restore event (e.g., retrieved setting from memory upon restoration command; Fig. 4, steps 490-492) (see paragraph 0041, 0058).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to a remote control as taught by Kamieniecki to the home

network control system of Humpleman in order to have a single arrangement that can set-up a variety of electronic devices from different manufacturers without having to know how to program the device (see paragraph 0015).

As to claim 2, Kamieniecki discloses a remote control device (e.g., remote control 110; Fig. 1) configured to communicate said save event to said second audiovisual device (e.g., set-up device) (see paragraph 0025).

As to claim 3, Humpleman discloses save event (e.g., saving a Macro to perform all the steps for recording a program) (see col. 14, lines 42-62; col. 21, lines 16-49; Fig. 9);

Kamieniecki discloses an actuation of a control on said remote control device (e.g., press a key on remote to send commands) (see paragraph 0063-0065).

As to claim 4, Kamieniecki discloses wherein said actuation includes actuating a button for a predetermined amount of time (e.g., press a key on remote for predetermined time period to send commands) (see paragraph 003 and 0063-0065).

As to claim 5, Humpleman discloses a selected channel of audiovisual programming is saved upon said actuation (e.g., saving a Macro to perform all the steps for recording a program which includes saving channel 2 for recording) (see col. 14, lines 42-62; col. 21, lines 16-49; Fig. 9).

As to claim 8, Kamieniecki discloses wherein said second audiovisual device is configured to restore said setting of said first audiovisual device upon a restore event (e.g., retrieved setting from memory upon restoration command; Fig. 4, steps 490-492) (see paragraph 0041, 0058).

As to claim 9, Kamieniecki discloses a remote control device (e.g., remote control 110; Fig. 1) configured to communicate said restore event to said second audiovisual device (e.g., retrieved setting from memory upon restoration command; Fig. 4, steps 490-492) (see paragraph 0041, 0058).

As to claim 10, Kamieniecki discloses wherein said restore event includes an actuation of a control on same said remote control device (e.g., press a key on remote to send commands) (see paragraph 0063-0065).

As to claim 11, Humpleman discloses a saved channel of audiovisual programming (e.g., saving a Macro to perform all the steps for recording a program which includes saving channel 2 for recording) (see col. 14, lines 42-62; col. 21, lines 16-49; Fig. 9).

Kamieniecki discloses restore event upon an actuation (e.g., press a key on remote to send commands) (see paragraph 0063-0065)

As to claim 14, Kamieniecki discloses the second audiovisual device is a set-top box (see paragraph 0035; Fig. 3).

As to claims 20 and 45, they contain the limitations of claim 14 and are analyzed as previously discussed with respect to claim 14 above.

As to claims 21-23, 33-35, 49-51, and 61, they contain the limitations of claims 3-5 and are analyzed as previously discussed with respect to claims 3-5 above.

As to claims 24-25, 40-41, 56-57, and 63, they contain the limitations of claims 10-11 and are analyzed as previously discussed with respect to claims 10-11 above.

As to claim 26, Kamieniecki discloses the audiovisual host device of claim 18, further comprising a remote control (RC) interface (e.g., IR receiver 262; Fig. 2) communicatively coupled to said processor (e.g., bus 247), wherein said RC interface is configured to receive a signal representative of said save event or said restore event from a remote control device (see paragraph 0041, 0059).

As to claim 30, Kamieniecki discloses the audiovisual host device of claim 18, further comprising a control communicatively (e.g., IR receiver 262; Fig. 2) coupled to said processor, wherein at least one of said save event and said restore event includes an actuation of said control (see paragraph 0059).

As to claim 31, Humpleman discloses the audiovisual host device of claim 18, further comprising a programming interface (e.g., 1394 serial bus 114) configured to receive an audiovisual programming signal from a source (see col. 6, lines 42-47).

As to claims 36, 42, 52 and 58, Humpleman discloses a saved channel of audiovisual programming (e.g., saving a Macro to perform all the steps for recording a program which includes saving channel 2 for recording) (see col. 14, lines 42-62; col. 21, lines 16-49; Fig. 9)

Kamieniecki discloses receiving a signal representative of said save event from a remote control device (e.g., a IR signal representing command sent from remote control), wherein said remote control device is configured to communicate to said second audiovisual device (see paragraph 0041, 0058).

As to claims 39, 55, and 62, Kamieniecki discloses recalling said setting from said second audiovisual device upon a restore event; and restoring said recalled setting to said first audiovisual device upon said restore event (e.g., retrieved setting from memory upon restoration command; Fig. 4, steps 490-492) (see paragraph 0041, 0058).

7. Claims 6-7, 37-38, and 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (Patent # US 6288716) in view of Kearns (Patent # US 6072535).

As to claim 6, Humpleman discloses a first audiovisual device (e.g., DVCR 110; Fig. 1) and a second audiovisual device (e.g., DTV 102) (see col. 6, lines 54-60; col. 8, lines 29-42; col. 10, lines 29-31; Fig. 13);

Humpleman does not disclose shutdown first and second devices.

Kearns discloses shutdown a device (e.g., using remote control button 26 to turn off TV) (see col. 4, lines 35-40; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to a remote control as taught by Kearns to the home network control system of Humpleman in order to provide menu support of channel lists and television settings such as television control options, sidebox edit options, user created channel list options, and password related security options (see col. 2, lines 22-25).

As to claim 7, both Humpleman and Kearns fail to disclose saves setting upon shutdown.

Official Notice is taken that a device automatically saves setting upon shutdown which is well known in the art (e.g., turn on a television, the channel displaying is the same channel when last time turn off).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have automatically saves setting upon shutdown to the home network control system of Humpleman in order to provide a convenient system for user to watch television without change channel.

As to claims 37-38 and 53-54, they contain the limitations of claims 6-7 and are analyzed as previously discussed with respect to claims 6-7 above.

8. Claims 12, 27-29, 43, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. (Patent # US 6288716) in view of Kamieniecki (Pub # US 2003/0066080), and further in view of Kearns (Patent # US 6072535).

As to claim 12, Kamieniecki discloses restore event (e.g., retrieved setting from memory upon restoration command; Fig. 4, steps 490-492) (see paragraph 0041, 0058).

Both Humpleman and Kamieniecki fail to disclose power up a device.

Kearns discloses power-up of a device (e.g., using remote control button 24 to turn on TV) (see col. 4, lines 35-40; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to a remote control as taught by Kearns to the home network control system of Humpleman in order to provide menu support of channel lists and television settings such as television control options, sidebox edit options, user

created channel list options, and password related security options (see col. 2, lines 22-25).

As to claims 29, 43, and 59, they contain the limitations of claim 12 and are analyzed as previously discussed with respect to claim 12 above.

As to claim 27, Humpleman discloses a first audiovisual device (e.g., DVCR 110; Fig. 1) and a second audiovisual device (e.g., DTV 102) (see col. 6, lines 54-60; col. 8, lines 29-42; col. 10, lines 29-31; Fig. 13);

Both Humpleman and Kamieniecki fail to disclose shutdown first and second devices.

Kearns discloses shutdown a device (e.g., using remote control button 26 to turn off TV) (see col. 4, lines 35-40; Fig. 2).

As to claim 28, Humpleman, Kamieniecki, and Kearns fail to disclose saves setting upon shutdown.

Official Notice is taken that a device automatically saves setting upon shutdown which is well known in the art (e.g., turn on a television, the channel displaying is the same channel when last time turn off).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have automatically saves setting upon shutdown to the

home network control system of Humpleman in order to provide a convenient system for user to watch television without change channel.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fukuda et al. (Pub # US 2005/0172332 A1) is cited to teach remote control home network devices.

Zigmond et al. (Pub # US 2005/0035846 A1) is cited to teach programmable remote control for home devices.

Shinyagaito et al. (Patent # US RE 37000) is cited to teach remotely controlling devices in home network.

***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jun Fei Zhong whose telephone number is 571-270-1708. The examiner can normally be reached on Mon-Fri, 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JFZ  
11/19/2007



ANDREW Y. KOENIG  
PRIMARY PATENT EXAMINER